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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/022,722

12/20/2001

Glen Hush

M4065.0481/P481

2292

24998

7590

11/05/2003

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP  
2101 L STREET NW  
WASHINGTON, DC 20037-1526

EXAMINER

HOANG, HUAN

ART UNIT

PAPER NUMBER

2818

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/022,722

Applicant(s)

HUSH, GLEN

Examiner

Huan Hoang

Art Unit

2818

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,7,10,11,13-16,25-28,33-37,39,42,43,45-47,52,55-57,62-64,66,69 and 70 is/are rejected.
- 7) ☐ Claim(s) 5,6,8,9,12,17-24,29-32,38,40,41,44,48-51,53,54,58-61,65,67,68 and 71 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9,10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed on 4/22/03 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. All the "U.S. PATENT DOCUMENTS" and "FOREIGN PATENT DOCUMENTS" have been considered. However, all the documents in "OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS" have not been considered because a copy of each reference of "OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS" has not been provided.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-4, 7, 10, 11, 13-16, 25-28, 33-37, 39, 42, 43, 45-47, 52, 55-57, 62-64, 66, 69 and 70 are rejected under 35 U.S.C. 102(a) as being anticipated by Lowrey (Foreign Patent Document WO 01/45108 A1 cited in the IDS filed on 5/23/03).

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Lowrey discloses a method for writing to a memory elements having all the steps as recited in claims 1-4, 7, 10, 11, 13-16, 25-28, 33-37, 39, 42, 43, 45-47, 52, 55-57, 62-64, 66, 69 and 70 as follows:

- precharging a conductor (column line) to a first voltage value (VPRE, page 16, lines 14-15), the first voltage being held on the conductor by a capacitor associated with the conductor (page 17, lines 8-9);
- coupling a programmable conductor memory element (M, Fig. 3) between the first voltage on the conductor and a second voltage (VA) to write a predetermined resistance state (high or low) in the memory element.

***Allowable Subject Matter***

4. Claims 5, 6, 8, 9, 12, 17-24, 29-32, 38, 40, 41, 44, 48-51, 53, 54, 58-61, 65, 67, 68, and 71 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 5, 6, 8, 9, 12, 17-24, 29-32, 38, 40, 41, 44, 48-51, 53, 54, 58-61, 65, 67, 68, and 71 recite the associated capacitance comprising a capacitor coupled to the conductor, the second voltage being  $V_{dd}/2$  and the chalcogenide glass memory element comprising a germanium:selenium glass composition which is doped with silver. The prior art does not teach or suggest the above limitations.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huan Hoang whose telephone number is (703) 305-3494. The examiner can normally be reached on Mon-Fri 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C Nelms can be reached on (703) 308-4910. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Huan Hoang  
Primary Examiner  
Art Unit 2818

HH